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# State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE  
Governor

MARK N. MAURIELLO  
Acting Commissioner

Bureau of Industrial Site Remediation  
401 East State Street  
P.O. Box 432  
Trenton, NJ 08625-0432

MAR 17 2009

**CERTIFIED MAIL/RRR**

Ms. Kathy Smith  
Unimatic Manufacturing Corporation  
17 Toms Point Lane  
Lincoln Park, NJ 07035

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**NOTICE OF VIOLATION**

Name of Violator: Unimatic Manufacturing Corporation (Unimatic)  
Location: 25 Sherwood Lane, Fairfield, Essex County 07004  
Identifying #: 99235  
EA ID #: PEA080001  
ISRA Case #: E20010335

Dear Ms. Smith,

You are hereby NOTIFIED that a compliance review of the report entitled Revised Remedial Investigation Workplan dated May 11, 2007 identified the following violations pursuant to the Industrial Site Recovery Act ("ISRA", N.J.S.A. 13:1K-6 et seq.), the Spill Compensation and Control Act ("Spill Act", N.J.S.A. 58:10-23.11) and the regulations promulgated there under, and the Remediation Agreement executed April 1, 2001.

Prior to the issuance of this Notice of Violation, the Department provided technical comments and requirements to Unimatic on November 9, 2004. Subsequently, Unimatic submitted Remedial Investigation Reports dated January 20 and 28, 2005, a Remedial Action Workplan dated March 3, 2005, a supplemental Remedial Investigation Workplan dated June 9, 2005 and a Second Supplemental Remedial Investigation Report dated September 12, 2005. Based on the Department's review of the aforementioned Workplan and Reports, a Notice of Deficiency was sent to Unimatic on January 3, 2007. On February 8 and 13, 2007, the Department granted Unimatic telephone conferences to discuss all outstanding issues in an effort to move the case forward, with the understanding that Unimatic would submit an acceptable response to the deficiencies identified in the Notice of Deficiency. On May 11, 2007, Unimatic submitted a Revised Remedial Investigation Workplan. On August 7, 2008, the Department sent draft comments, via e-mail, to Unimatic in follow-up to the Revised Remedial Investigation Workplan dated May 11, 2007. Subsequently, Unimatic submitted a

response dated September 8, 2008. Based on the Department's review of the response, Unimatic has failed to comply with the deficiencies in accordance with the Technical Requirements for Site Remediation N.J.A.C. 7:26E, as follows:

1. **\*Requirement:** Pursuant to N.J.A.C. 7:26B, paragraph I.2 of the Remediation Agreement, "If NJDEP determines any submittal made under this section is inadequate or incomplete, the NJDEP shall provide Unimatic Manufacturing Corporation with written notification of each deficiency, and Unimatic Manufacturing Corporation shall revise and resubmit the required information within thirty (30) calendar days, or longer as authorized by the NJDEP, from receipt of such notification."

**Description of Noncompliance:** Failure to modify and re-submit a Revised Remedial Investigation Workplan which conforms to the Department's comments and the Technical Requirements for Site Remediation, N.J.A.C. 7:26E, pursuant to Paragraph I.2 of the Remediation Agreement.

2. **\*Requirement:** Pursuant to N.J.A.C. 7:26E-3.9(f), the Site Investigation shall also satisfy the requirements of N.J.A.C. 7:26E-3.9(f)1-2 for any other potentially contaminated areas away from process areas not otherwise addressed pursuant to N.J.A.C. 7:26E-3.9(a)-(e).

**Description of Noncompliance:** Failure to properly conduct a Site Investigation of any Area of Concern not addressed pursuant to previous requirements.

Unimatic shall conduct a Site Investigation of the following Areas of Concern: 4 (Empty Drum Storage Area), 7 (Former Interior Trenches) and 8 (Septic Systems).

3. **\*Requirement:** Pursuant to N.J.A.C. 7:26E-4.1(b), contaminated soil shall be delineated.

**Description of Noncompliance:** Failure to delineate the horizontal and vertical limits of contamination to the applicable unrestricted use remediation standard for all media. The delineation of contaminants in soils has not been completed.

a. In Area of Concern 5B (Exterior polychlorinated biphenyl (PCB) Investigation - Eastern and Northern Portions of the Site), Area of Concern 5C (Downward Sloping Wedge of PCB Impacted Soils North of the Building), Area of Concern 5D (Exterior PCB Soil Investigation-Adjoining Jersey City Municipal Utilities Authority Property), Area of Concern 5I (Outfall Pipe) and Area of Concern 6 (Fill Material), Unimatic proposes using 50 milligram per kilogram (mg/kg) as the applicable restricted use standard for horizontal and vertical delineation of PCB contamination within the site boundaries. The person responsible for conducting the remediation at the site shall determine if soil contamination has migrated off the property, at any depth, above the applicable unrestricted use standard. The applicable unrestricted use remediation standard for PCBs is 0.2-mg/kg.

b. In addition to the technical requirements that were deficient in the Notice of Deficiency dated January 3, 2007, Unimatic did not fully delineate PCBs in soil in Area of Concern 5G, Former North Wastewater Pipe – Northwest Portion.

Unimatic shall submit a proposal to fully delineate (horizontally and vertically) PCBs in soil, above and below the water table to the applicable remediation standard, pursuant to N.J.A.C. 7:26E- 4.1(b).

4. **\*Requirement:** Pursuant to N.J.A.C. 7:26E-4.3(a), the Remedial Investigation shall include an investigation of all soil which may contain contaminants above the applicable soil remediation standards.

**Description of Noncompliance:** Failure to conduct a Remedial Investigation of soil at a contaminated site.

In Area of Concern 5A, Building Interior Flooring: PCB and Volatile Organic Compound (VOC) Investigation Under Concrete Floor. Unimatic failed to propose or conduct the required vertical and horizontal delineation of the PCB-contaminated soils within the boundaries of this site to Residential Direct Contact Soil Cleanup Criteria of 0.2-mg/kg. If Unimatic chooses to remediate only those soils that have PCB levels greater than 100-mg/kg and to address the remaining contaminants via a soil stabilization method, then Unimatic shall first complete the required horizontal and vertical delineation of the PCBs at this site.

The Department will not assess a penalty against you for the violations marked above with an asterisk (\*) if you correct them by the deadlines below:

1. Submit a Remedial Investigation Workplan which addresses this Notice of Violation and all of the deficiencies in the January 3, 2007 Notice of Deficiency within thirty (30) days from receipt of this notice.

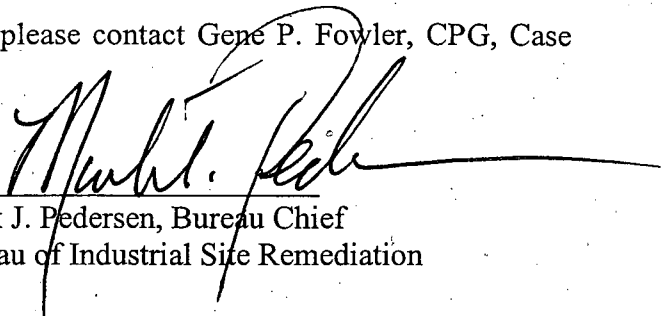
2. (a) Conduct a remedial investigation which fully delineates the horizontal and vertical extent of contamination in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E, and

(b) Submit a Remedial Investigation Report and Remedial Action Workplan pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E within one hundred twenty (120) days from receipt of this notice.

This NOV serves as notice that the Department, has determined that a violation has occurred. It does not constitute final agency action and may not be appealed or contested. The issuance of this Notice or compliance therewith does not preclude the State of New Jersey or any of its agencies from initiating formal administrative and/or judicial enforcement action (including assessment of penalties), with respect to the violations listed above or for any other violations. You may appeal or contest such formal actions. The above violations are subject to penalties of up to \$25,000.00 per day/offense in civil penalties as per the ISRA.

If you have any questions regarding this matter please contact Gene P. Fowler, CPG, Case Manager, at (609) 777-1947.

Date: 03/16/09

  
Mark J. Pedersen, Bureau Chief  
Bureau of Industrial Site Remediation

C: William Hanrahan, NJDEP / BGWPA  
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Dean M. DeLuccia, Framework, Inc.  
Denise Cafone, RMC, Office of the Clerk / Registrar, Township of Fairfield  
Cara Sileno, Health Department, Township of Fairfield  
Peter N. Tabbot, M.P.H., Health Officer, West Caldwell Health Dept.  
Michael Festa, Ph.D., CEHA Health Officer, Essex County Health Department  
Daniel Kraft, USEPA, Region II / Pesticides & Toxic Substances Branch  
~~James Haklar, Ph.D.~~, USEPA, Region II / Pesticides & Toxic Substances Branch  
Thomas Porucznik, USEPA, Region II / Superfund / NJ Remedial Branch  
Michael Hejazi, Ph.D., U.S. Department of Labor / Occupational Safety and Health Administration